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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,200	08/18/2000	Lisa C. Hammitt	BLAPP001	6794
22852	7590	07/24/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				JEANTY, ROMAIN
			ART UNIT	PAPER NUMBER
				3623

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/642,200	HAMMITT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Romain Jeanty	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04/04/2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-12 and 36-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-12 and 36-48 is/are rejected.
- 7) Claim(s) 9-12,39-41 and 47 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

**Response to Amendment**

1. This Final Office Action is in response the Amendment filed April 4, 2006. In the Amendment, applicant has amended claims 6 and 36-41, 44-45, and added claim 48. Applicant's amendment to claims 6 and 36 has overcome the 35USC 112, first paragraph rejection. The rejection is withdrawn.

**Response to Arguments**

2. Applicant's arguments with respect to claims 6-12, and 36-48 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 6-12, and 36-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 12 and 48 recite the limitation "wherein identifying a follow up situation". However, it is unclear as to what follow up situation means in the claims.

Claims 7-12, and claims 34-47 depend from independent claims 6 and 36; therefore are similarly rejected under the 35 USC 112, second paragraph.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8, 36-38, 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du et al (US Patent No. 6,041,306) in view of Sanders (U Patent No. 6,411,936).

As per claims 6-8, Du et al disclose receiving an event, categorizing the event, identifying a situation that matches the categorized receiving event (col. 8, lines 7-9), executing one or more tasks for the situation, the execution of the one or more tasks including the interpretation of a business domain model to generate recommendation for a business action (col. 8, lines 1-17; col. 13, lines 1-16, and col. 17, line 60 through col. 18 line 16). Du et al fails to disclose wherein identifying a considering any feedback provided by a consumer of the generated recommendation. Sanders in the same field of endeavor discloses a decision support system for which teaches the concept of feedback and recommendation (col. 15, lines 34 through col. 34, line 6). It would have been obvious to a person of ordinary skill in the art to modify the teachings of Du et al to include the teaching of Sanders with the motivation to provide better business solutions to a user.

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Claim 36 is a computer readable media having program instructions for performing the steps of method claim 6; therefore is rejected under the rationale relied upon of claim 6.

Claim 48 is an apparatus having a processor and a memory containing programs for executing an interaction flow model, which, when executed using the processor to perform the steps of method claim 6; therefore claim 48 is rejected under the rationale relied upon of claim 6.

### **Remarks**

7. Applicants argued that Collins was listed in the Notice of Reference Cited attached to the office action and respectfully requested that Collins be included in a Notice of Reference Cited from the accompanying the next office action. In response the examiner notes the Collins is hereby cited in the PTO 892 of this current Final Action.

Applicant has further amended the claims to recite feedback provided by a consumer of a generated recommendation, and argued that Land does not teach such limitation. Applicant is directed to the rejection of this limitation in paragraph 6 above.

### **Allowable Subject Matter**

8. Claims 9-12, 39-41 and 47 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bednarek (US Patent No. 6,965,868), discloses teaches an intelligent recommendation system for generating recommendation and feedback information (col. 16 line 16 through col. 17 line 10)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 15, 2006

  
Tariq R. Hafiz  
Primary Examiner  
Art Unit 3623